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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/723,015	11/26/2003	Ronald W. Wortley	11984.5	1784

7590 10/07/2004

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EXAMINER

DAVIS, CASSANDRA HOPE

ART UNIT	PAPER NUMBER
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3611

DATE MAILED: 10/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/723,015	Applicant(s) WORTLEY ET AL	
	Examiner Cassandra Davis	Art Unit 3611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-11, 13 and 15-26 is/are rejected.
- 7) ☒ Claim(s) 12 and 14 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Double Patenting

1. Applicant is advised that should claim 12 be found allowable, claim 14 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

Claim Rejections - 35 USC § 112

2. Claims 1-7, 9-11, 15-26 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, line the phrase "the hose" lacks antecedent basis.

In claim 3, line 2, the phrase "the identification plate" lacks antecedent basis.

In claim 9, line 5, the phrase "the clamp" lacks antecedent basis.

In claim 10, line 4, it is unclear if the "hose clamp" is the same as the hose clamp recited on line 1.

In claim 10, lines 4-5, the phrase "the hose" lacks antecedent basis.

In claim 11, line 5, it is unclear if the "hose clamp" is the same as the hose clamp recited on line 1.

In claim 11, line 6, the phrase "the hose" lacks antecedent basis.

In claim 15, line 5, it is unclear if the "hose clamp" is the same as the hose clamp recited on line 1.

In claim 15, line 6, the phrase "the hose" lacks antecedent basis.

In claim 16, line 3, it is unclear if the "hose clamp" is the same as the hose clamp recited on line 1.

In claim 16, line 4, it is unclear if the "identification device" is the same as the identification device recited on line 1.

In claim 17, line 5, it is unclear if the "hose clamp" is the same as the hose clamp recited on line 2.

In claim 18, line 2, it is unclear if the "hose" is the same as the hose recited on line 1.

In claim 18, line 5, the phrase "the hose 30" lacks antecedent basis.

In claim 19, line 2, it is unclear if the "hose" is the same as the hose recited on line 1.

In claim 23, line 2, it is unclear if the "hose" is the same as the hose recited on line 1.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-4, 6-9, 11, 13, 14-23, and 25-26 are rejected under 35 U.S.C. 102(b) as being anticipated by Schweikert, US 2003/0066218.

With respect to claims 1, 11, 13, 15, 16, 17, 18, 19, 22, 23, and 24, Schweikert teaches catheter information ring 110 comprising an identification member 124, and a cross member 112 attached to the identification member, wherein the cross member transverses a hose clamp 170 to retain the identification member 124 adjacent the clamp independently of the hose on which the hose clamp is located.

With respect to claim 2, the identification member is in the form of a plate. (See figures 1-12).

With respect to claim 3, Schweikert also teaches a stabilizing plate 130 attached to the cross member 112 so the stabilizing plate is substantially parallel the identification plate.

With respect to claims 4, 25, and 21, the stabilizing plate taught by Schweikert is removable retained substantially adjacent the clamp. The information ring is adapted to selectively inserted and removed from the clamp both independently of the clamp in one embodiment and independently of the hose or conduit in another embodiment.

With respect to claim 6, the identification device substantially matches the contours of the hose clamp so no portions of the identification device substantially protrude beyond the hose clamp. (See paragraph 0042).

With respect to claim 7, the identification device is secured adjacent the hose clamp to reduce or prevent movement of the identification device independent of the

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hose clamp The information ring is adapted to have the hose or conduit extend through opening 122.

With respect to claim 20, the opening 22 allow the information ring to engage the hose or conduit.

Allowable Subject Matter

5. Claims 5 and 24 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

6. Claim 10 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

7. Claims 12 and 14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cassandra Davis whose telephone number is 703-308-2223. The examiner can normally be reached on Monday-Friday 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on 703-308-0629. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Cassandra Davis
Primary Examiner
Art Unit 3611

CD
September 30, 2004